

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of:
Gabrielle Elizabeth Finn

Case No. 3:20-mj-05209

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, Timothy Johnson, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

Gabrielle Elizabeth Finn

located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

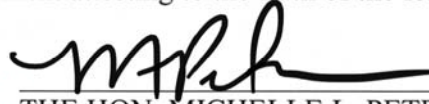
Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means.
- ☐ Telephonically (and recorded).



Applicant's Signature
Timothy Johnson, Sergeant

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 7th day of September, 2020.



THE HON. MICHELLE L. PETERSON
UNITED STATES MAGISTRATE JUDGE

1
2 STATE OF WASHINGTON)
3) ss
4 COUNTY OF **PIERCE**)

5 AFFIDAVIT OF TIMOTHY JOHNSON

6 I, Timothy Johnson, a Sergeant with Joint Base Lewis-McChord Police, Pierce
7 County, Washington, having been duly sworn, state as follows:

8 AFFIANT BACKGROUND

9 1. I have served as a law enforcement officer for the past 18 years. My
10 training and experience relevant to the investigation discussed below includes the
11 following:

- 12 ☐ Basic Training at the Federal Law Enforcement Training Center
13
14 ☐ Basic Law Enforcement Academy at the Washington Criminal
15 Justice Training Commission
16 ☒ Standardized Field Sobriety Testing
17 ☒ Advised Roadside Impaired Driving Enforcement Training

18 I, Lead Police Officer, Sergeant Timothy Johnson, have served in a law enforcement
19 capacity as both a Military Police Officer and Department of the Army Civilian Police
20 Officer with a combined total of 18 years' law enforcement experience. My training and
21 experience regarding investigations of the listed crime(s) include the following: Basic law
22 enforcement training with the United States Army Military Police Advanced Individual
23 Training and Department of the Army Civilian Police Academy, Training in Standardized
24 Field Sobriety Testing to National Highway Traffic Safety Administration (NHTSA)
25 Standards, Continuing law enforcement training with Northwestern University obtaining
26 (NHTSA) instructor certification for Standardized Field Sobriety Testing (SFST), and the
27 International Association of Chiefs of Police (IACP) Advanced Roadside Impaired Driving
28 Enforcement (A.R.I.D.E.) course. I am currently certified as an operator for the breath-
testing instrument in the State of Washington. Through my past training and experience I

AFFIDAVIT OF TIMOTHY JOHNSON - 1
BLOOD WARRANT FOR Gabrielle Elizabeth Finn

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 have learned to recognize signs of alcohol and/or drug impairment in persons and to
 2 determine whether or not a person's ability to operate a motor vehicle safely is impaired.
 3 I am also aware from my training and experience that most drugs once ingested including
 4 alcohol, will be detectable in a person's blood. I am also trained to recognize the signs and
 5 evidence of an alcohol and / or drug related collision. I have received training in collision
 6 investigation while attending the 3 week Traffic Management Collision Investigation
 7 (T.M.C.I) course.

8 The information presented in this affidavit is:

- 9 ☒ Based on my personal observations and interviews that I have
 10 conducted.

11 INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

12 3. The purpose of this affidavit is to seek a search warrant to authorize me or
 13 other law enforcement officers to direct a physician, a registered nurse, a licensed
 14 practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of
 15 Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a
 16 first responder as defined in chapter 18.73 of the RCW, an emergency medical technician
 17 as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter
 18 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood
 19 sample consisting of one or more tubes or vials from Gabrielle Elizabeth Finn (hereafter
 20 "the Subject"). This warrant is requested for the purpose of gathering evidence of the
 21 following crime(s):

- 22 ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18
 23 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
 24 ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or
 25 Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R §
 26 4.23 or 38 C.F.R. § 1.218
 27 ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation
 28 of RCW 46.61.503 and 18 U.S.C. § 13
☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13

1 ☐ _____

2 4. I am seeking to present this application for a search warrant by electronic
3 means because the natural metabolization of alcohol or drugs in the bloodstream may
4 result in the loss of this evidence in the time it would take to present a search warrant
5 application in a more traditional fashion.

6 SUMMARY OF PROBABLE CAUSE

7 5. As a result of my duties I am familiar with the jurisdictional boundaries of
8 Joint Base Lewis-McChord, Washington. The incident described below occurred within
9 these jurisdictional boundaries, an area within the special maritime and territorial
10 jurisdiction of the United States as defined in 18 U.S.C. § 7.

11 6. The initial contact with Ms. FINN occurred on September 6, 2020, at
12 approximately 2228 Hours at Joint Base Lewis-McChord, Washington.

13 7. The facts supporting the initial contact with Ms. FINN, are as follows: The
14 Joint Base Emergency Communications Center (JBECC) dispatched JBLM Police to a
15 report of a suspected impaired driver following a collision which occurred in a dirt
16 parking lot adjacent to 41st Division Drive and 32nd Division Drive, JBLM, WA 98433.
17 The reporting party, confidential witness (CW), reported witnessing Ms. FINN operating
18 a 2019 Jeep Compass, WA/BTN4967 in a dirt parking lot adjacent to 41st Division
19 Drive. CW reported seeing Ms. Finn drive her vehicle in circles multiple times in the dirt
20 parking lot, and then collide with a 2014 Dodge Ram 1500, WA/C25134U. I made
21 contact with Ms. FINN, who was standing outside of her vehicle. Ms. FINN's eyes were
22 watery and bloodshot, and her face and cheeks were red. There was a medium odor of an
23 alcoholic beverage emanating from her person. Ms. FINN told me that she was driving
24 her car in circles in the parking lot when she collided with another vehicle. When being
25 questioned about the collision, Ms. FINN was slurring her words and was swaying from
26 front to back and side to side approximately 4 inches in each direction. I asked Ms.
27 FINN if she would be willing to submit to a series of Standardized Field Sobriety Tests to
28 help determine if she was safe to drive, which she refused. Ms. FINN was asked if she

1 would be willing to submit to a voluntary Preliminary Breath Test, which she also
 2 refused. At 2230 Hours, Ms. FINN was placed under arrest for Suspicion of Driving
 3 Under the Influence and was advised of her legal rights, which she acknowledged
 4 understanding and elected to invoke her rights. Ms. FINN was transported to the JBLM
 5 Police McChord Field substation for further processing. While being advised of her legal
 6 rights using the Washington State DUI Arrest Report, Ms. FINN requested to speak to an
 7 attorney. At 2321 Hours, Ms. FINN was given the opportunity to speak privately with
 8 Federal Public Defender Corey Endo. After speaking to her attorney, Ms. FINN was read
 9 the Implied Consent which she acknowledged understanding, however refused to submit
 10 to evidentiary breath testing. At 2343 Hours, Ms. FINN was listed as a Refusal using the
 11 ALCOTEST 9510 SN: AREH-0029 Evidentiary Breath Test Instrument.

12 8. Based on my training and experience, I believe Ms. FINN may be under the
 13 influence of intoxicating liquor, marijuana, or any drug and/or is affected by intoxicating
 14 liquor, marijuana, or any drug are as follows: Eye witness reports identifying Ms. FINN
 15 operating her vehicle in a reckless manner in a full dirt parking lot which resulted in her
 16 colliding with a parked and unoccupied vehicle. Upon contact with Ms. FINN, I detected
 17 a medium odor of an alcoholic beverage emanating from her person, watery and
 18 bloodshot eyes, red face and cheeks, and slurring of speech. During my contact with Ms.
 19 FINN, she was swaying from front to back and side to side approximately 4 inches in
 20 each direction. While at the JBLM Police McChord Field substation, Ms. FINN requested
 21 to use the restroom. While being escorted, unrestrained, by myself and a female 627th
 22 Security Force Squadron personnel, Ms. Finn tripped while walking up the stairs despite
 23 being instructed to watch her step.

24 9. The Subject:

- 25 ☒ Has refused to take a breath Alcohol test on an instrument approved by
 26 the State Toxicologist or a federal agency for such breath testing.
 27 ☐ Is being treated in a hospital, clinic, doctor's office, emergency medical
 28 vehicle, ambulance, or other similar facility, or is at a location that lacks
 an instrument approved by the State Toxicologist or a federal agency for

performing such breath testing, and has refused to submit to a blood test.

- ☐ Is incapable due to physical injury, physical incapacity, or other physical limitation of submitting to a breath alcohol test, and the defendant has refused to submit to a blood test.
- ☒ Has refused to submit to a blood test at the request of the undersigned.
- ☐ Was not offered an opportunity to take a breath alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing because:
 - ☐ The available instrument is currently out of order
 - ☐ The individual does not speak English and the implied consent warnings are not available in a language that the defendant understands
 - ☐ _____
- ☐ Submitted to a breath test on an instrument approved by the State Toxicologist or a federal agency for such breath testing but the breath alcohol concentration reading of ___ is not consistent with the defendant's level of impairment suggesting that the defendant is under the influence of a drug.

10. A sample of blood extracted from the Subject if taken within a reasonable period of time after he/she last operated, or was in physical control of, a motor vehicle, may be tested to determine his/her current blood alcohol level and to detect the presence of any drugs that may have impaired his/her ability to drive. This search warrant is being requested within 2 hours and 45 minutes after the Subject ceased driving or was found in physical control of a motor vehicle.

CONCLUSION

11. For the reasons stated above, I request authority to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in

1 chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a
2 blood sample consisting of one or more tubes or vials from Gabrielle Elizabeth Finn.

3 12. This application for a warrant is being presented electronically pursuant to
4 Fed. R. Crim P. 4.1 & 41(d)(3).

5 I certify (or declare) under penalty of perjury under the laws of the United States
6 that the foregoing is true and correct to the best of my knowledge, information and belief.

7 Dated this 7th day of September, 2020.

8
9 

10 Timothy Johnson, Affiant
11 Sergeant, Joint Base Lewis-McChord

12 The above-named agent provided a sworn statement attesting to the truth of the
13 foregoing affidavit on 7th day of September, 2020.

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16 THE HON. MICHELLE L. PETERSON
17 UNITED STATES MAGISTRATE JUDGE
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